



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,512	01/06/2004	Tatsuya Ito	113112.01	3327

7590 03/22/2007
OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, VA 22320

EXAMINER

MRUK, GEOFFREY S

ART UNIT	PAPER NUMBER
----------	--------------

2853

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/751,512

Applicant(s)

ITO ET AL.

Examiner

Geoffrey Mruk

Art Unit

2853

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 41-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 41-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 10/186,427.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12 January 2007 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 41-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Shigemura (US 6,667,795 B2).

With respect to claim 41, Shigemura discloses an apparatus (Fig. 14) for manufacturing a color filter (Column 1, lines 15-24), comprising: a plurality of nozzles (Fig. 16, elements 108) for ejecting a filter material in droplets (Column 1, lines 26-33);

Art Unit: 2853

and a plurality of ejection heads (Fig. 16, elements 120a, 120b, 121a, 121b, 122a, 122b) which are arranged perpendicular to a head scan direction (Fig. 13, element 612) arranged on a print head (Fig. 16, element 606), each ejection head having the plurality of nozzles (Fig. 16, elements 108) linearly arranged with a constant layout pitch of (D) (Fig. 23, Nozzle Pitch), the plurality of ejection heads are arranged on the print head to form at least a single linear row of nozzles (Fig. 16, center line of nozzles, i.e. y direction) which is arranged perpendicular to the head scan direction (Fig. 13, element 612), wherein at least one of the plurality of ejection heads (Fig. 3A, elements 120, 121, 122) comprises a plurality of first nozzles (Fig. 16, elements 108) for ejecting a first type of filter material (Column 10, lines 30-36), a plurality of second nozzles (Fig. 16, elements 108) for ejecting a second type of filter material (Column 10, lines 30-36), and a plurality of third nozzles (Fig. 16, elements 108) for ejecting a third type of filter material (Column 10, lines 30-36).

With respect to claim 42, Shigemura discloses an apparatus (Fig. 14) for manufacturing an electroluminescence substrate (Column 1, lines 15-24), comprising: a plurality of nozzles (Fig. 16, elements 108) for ejecting a filter material in droplets (Column 1, lines 26-33); and a plurality of ejection heads (Fig. 16, elements 120a, 120b, 121a, 121b, 122a, 122b) which are arranged perpendicular to a head scan direction (Fig. 13, element 612) arranged on a print head (Fig. 16, element 606) each ejection head having the plurality of nozzles (Fig. 16, elements 108) linearly arranged with a constant layout pitch of (D) (Fig. 23, Nozzle Pitch), the plurality of ejection heads are arranged on the print head to form at least a single linear row of nozzles (Fig. 16, center

Art Unit: 2853

line of nozzles, i.e. y direction) which is arranged perpendicular to the head scan direction (Fig. 13, element 612), wherein at least one of the plurality of ejection heads (Fig. 3A, elements 120, 121, 122) comprises a plurality of first nozzles (Fig. 16, elements 108) for ejecting a first type of filter material (Column 10, lines 30-36), a plurality of second nozzles (Fig. 16, elements 108) for ejecting a second type of filter material (Column 10, lines 30-36), and a plurality of third nozzles (Fig. 16, elements 108) for ejecting a third type of filter material (Column 10, lines 30-36).

With respect to claim 43, Shigemura discloses a method for manufacturing a color filter (Columns 7-11), comprising: scanning a substrate by moving a table (Fig. 14, elements 603, 604) and a plurality of ejection heads (Fig. 16, elements 120a, 120b, 121a, 121b, 122a, 122b) which are arranged perpendicular to a head scan direction (Fig. 13, element 612) arranged on a print head (Fig. 16, element 606); and ejecting a plurality of types of filter material (Column 10, lines 48-52) in droplets (Column 1, lines 26-33) by the plurality of ejection heads each ejection head having a plurality of nozzles (Fig. 16, elements 108) arranged with a constant layout pitch of (D) (Fig. 23, Nozzle Pitch), the plurality of ejection heads being linearly arranged to form at least a single linear row of nozzles (Fig. 16, center line of nozzles, i.e. y direction) which is arranged perpendicular to the head scan direction (Fig. 13, element 612), wherein at least one of the plurality of ejection heads (Fig. 3A, elements 120, 121, 122) comprises a plurality of first nozzles (Fig. 16, elements 108) for ejecting a first type of filter material (Column 10, lines 30-36), a plurality of second nozzles (Fig. 16, elements 108) for ejecting a second

Art Unit: 2853

type of filter material (Column 10, lines 30-36), and a plurality of third nozzles (Fig. 16, elements 108) for ejecting a third type of filter material (Column 10, lines 30-36).

With respect to claim 44, Shigemura discloses a method for manufacturing an electroluminescence substrate (Columns 26-27), comprising: scanning a substrate by moving a table (Fig. 14, elements 603, 604) and a plurality of ejection heads (Fig. 16, elements 120a, 120b, 121a, 121b, 122a, 122b) which are arranged perpendicular to a head scan direction (Fig. 13, element 612) arranged on a print head (Fig. 16, element 606); and ejecting a plurality of types of functional layer forming material (Column 27, lines 30-34) in droplets (Column 1, lines 26-33) by a plurality of ejection heads, having a plurality of nozzles (Fig. 16, elements 108) arranged with a constant layout pitch of (D) (Fig. 23, Nozzle Pitch), the plurality of ejection heads being linearly arranged to form at least a single linear row of nozzles (Fig. 16, center line of nozzles, i.e. y direction) which is arranged perpendicular to the head scan direction (Fig. 13, element 612), wherein at least one of the plurality of ejection heads (Fig. 3A, elements 120, 121, 122) comprises a plurality of first nozzles (Fig. 16, elements 108) for ejecting a first type of functional layer forming material (Column 10, lines 30-36), a plurality of second nozzles (Fig. 16, elements 108) for ejecting a second type of functional layer forming material (Column 10, lines 30-36), and a plurality of third nozzles (Fig. 16, elements 108) for ejecting a third type of functional layer forming material (Column 10, lines 30-36).

Response to Arguments

Applicant's arguments filed 12 January 2007 have been fully considered but they are not persuasive. The applicant's argument that "Applicants have amended independent claims 41-43 to recite the features of "wherein at least one of the plurality of ejection heads comprises a plurality of first nozzles for ejecting a first type of filter material, a plurality of second nozzles for ejecting a second type of filter material, and a plurality of third nozzles for ejecting a third type of filter material." Claim 44 has also been amended to recite the features of "wherein at least one of the plurality of ejection heads comprises a plurality of first nozzles for ejecting a first type of functional layer forming material, a plurality of second nozzles for ejecting a second type of functional layer forming material, and a plurality of third nozzles for ejecting a third type of functional layer forming material." Applicants respectfully submit that Shigemura does not teach these.", is not persuasive.

However, as stated in the instant rejection, Shigemura discloses an ink jet head unit (Fig. 13, element 606) where "FIG. 3A illustrates the step of forming partitions 12 having ink-repelling properties on the light-transmitting substrate 1, and applying hardening ink 14 from ink jet heads (120, 121, and 122)" (Column 10, lines 10-13) and "The hardening ink 14 used with the present invention is an ink which hardens due to light irradiation, heat application, or both. Both liquid inks and solid inks can be used for the hardening ink 14, and also both pigments and dyes can be used. The ink 14 contains resin components which harden from the light irradiation, heat application, or

Art Unit: 2853

both, coloring material, organic solvents, and water" (Column 10, lines 30-36).

Therefore, Shigemura meets the claimed limitations.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey Mruk whose telephone number is 571 272-2810. The examiner can normally be reached on 7am - 330pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on 571 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GSM
3/13/2007



STEPHEN MEIER
SUPERVISORY PATENT EXAMINER